



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,890	09/29/2003	Yasuhiro Abe	848075-0058	1991

29619 7590 07/14/2005

SCHULTE ROTH & ZABEL LLP
ATTN: JOEL E. LUTZKER
919 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
----------	--------------

2687

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/673,890	ABE, YASUHIRO	
	Examiner	Art Unit	
	Khai M. Nguyen	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/19/04, 3/14/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under U.S.C 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement filed on July 19, 2004 and March 14, 2005 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-3, 6-12** are rejected under 35 U.S.C. 102(e) as being anticipated by SanGiovanni (U.S.Pat-6850784).

Regarding claim 1, SanGiovanni teaches a portable terminal (fig.1) comprising:

a first housing having at least a display unit (fig.1, element 108, col.3, lines 53-

67);

Art Unit: 2687

a second housing having at least a main input unit, and connected openably and closably to said first housing (fig.1-6, element 110, col.4, line 58 to col.5, line 9); and

an auxiliary input unit arranged on a surface other than mutually facing surfaces of both of said housings in a closed state (fig.1-6, col.2, lines 35-52, *device may be used independently of the information input/output device*);

wherein said display unit is visible to user in a closed state and an opened state (fig.1-6, co.6, lines 6-64),

a screen on said display unit is able to display a first selection screen which is appropriate far an operation by said auxiliary input unit when both of said housings are in a closed state (fig.1-6, col.3, lines 3-19, col.6, lines 6-64), and

a screen on said display unit is able to display a second selection screen which is appropriate for an operation by said main input unit when both of said housings are in an opened state (fig.1-6, col.3, lines 3-19, col.6, lines 6-64).

Regarding claim 2, SanGiovanni teaches a portable terminal according to claim 1, wherein said first selection screen arranges items one-dimensionally, and said second selection screen arranges items multi-dimensionally (fig.1-6, col.4, lines 18-37, col.7, lines 21-37).

Regarding claim 3, SanGiovanni teaches a portable terminal according to claim 1, wherein items of said first selection screen are characters, and items of said second selection screen are icons (fig.1-6, col.4, lines 18-37, col.4, line 58 to col.5, line 9).

Regarding claim 6, SanGiovanni teaches a portable terminal according to claim 1, wherein said main input unit includes a key capable of being two-dimensionally operated, and said auxiliary input unit includes a lever capable of being one-dimensionally operated (col.4, lines 18-37).

Regarding claim 7, SanGiovanni teaches a portable terminal according to claim 1, wherein the portable terminal is a personal digital assistant (col.4, lines 38-57).

Regarding claim 8, SanGiovanni teaches a portable terminal according to claim 1, wherein the portable terminal is a portable telephone (col.2, line 53 to col.3, line 2).

Regarding claim 9, SanGiovanni teaches a portable terminal comprising:

a first housing having at least a display unit (fig.1, element 108, col.3, lines 53-67);

a second housing having at least a main input unit, and connected openably and closably to said first housing (fig.1-6, element 110, col.4, line 58 to col.5, line 9); and

an auxiliary input unit arranged on a surface other than mutually facing surfaces of both of said housings in a closed state (fig.1-6, col.2, lines 35-52, *device may be used independently of the information input/output device*);

wherein said display unit is visible to user in a closed state and an opened state (fig.1-6, co.6, lines 6-64),

a screen on said display unit is able to display a first selection screen arranging items one-dimensionally when both of said housings are in a closed state (fig.1-6, col.3, lines 3-19, col.4, line 58 to col.5, line 9, col.6, lines 6-64), and

a screen on said display unit is able to display a second selection screen arranging items multi-dimensionally when both of said housings are in a opened state (fig.1-6, col.3, lines 3-19, col.4, line 58 to col.5, line 9, col.6, lines 6-64).

Regarding claim 10, SanGiovanni teaches a portable terminal according to claim 9, wherein said main input unit includes a key capable of being two-dimensionally operated, and said auxiliary input unit includes a lever capable of being one-dimensionally operated (fig.1-6, col.3, lines 3-19, col.4, line 58 to col.5, line 9, col.6, lines 6-64).

Art Unit: 2687

items on said first selection screen can be selected by said lever operation, and items on said second selection screen can be selected by said key operation (fig.1-6, col.3, lines 3-19, col.4, line 58 to col.5, line 9).

Regarding claim 11, SanGiovanni teaches a portable terminal according to claim 9, wherein the portable terminal is a personal digital assistant (col.2, line 53 to col.3, line 2).

Regarding claim 12, SanGiovanni teaches a portable terminal according to claim 9, wherein the portable terminal is a portable telephone (col.2, line 53 to col.3, line 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **4-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over SanGiovanni (U.S.Pat-6850784) in view of Kfoury (U.S.Pat-6549789).

Regarding claim 4, SanGiovanni teaches a portable terminal according to claim 1, further comprising:

SanGiovanni fails to specifically disclose a state detecting device which detects opening and closing of both of said housings; and a control device which switches a display screen on said display unit; wherein said control device switches between said first selection screen and said second selection screen in accordance with a state detected by said state detecting device. However, Kfoury teaches a state detecting device which detects opening and closing of both of said housings (fig.1, col.4, lines 14-33); and a control device which switches a display screen on said display unit; wherein said control device switches between said first selection screen and said second selection screen in accordance with a state detected by said state detecting device (col.6, lines 46-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a state detecting device which detects opening and closing of both of said housings; and a control device which switches a display screen on said display unit; wherein said control device switches between said first selection screen and said second selection screen in accordance with a state detected by said state detecting device as taught by Kfoury with SanGiovanni teaching in order to make the devices more desirable to the consumer.

Regarding claim 5, Kfoury and SanGiovanni further teaches a portable terminal according to claim 4, wherein items on said first selection screen are characters while

items on said second selection screen are icons (see SanGiovanni, fig.1-6, col.4, lines 18-37, col.4, line 58 to col.5, line 9) , and

when a selection screen has been switched in accordance with an opening action or a closing action from a state in which an item on said first or second selection screen has been selected, said item remains selected in a form of a character or an icon corresponding to said first or second screen (see SanGiovanni, fig.1-6, col.4, lines 18-37, col.4, line 58 to col.5, line 9, see Kfoury, col.7, lines 49-57).

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jannick et al. (U.S.Pat-6766182) discloses Rotational mechanism for a wireless communication device.

Gray (U.S.Pat-5485517) discloses Portable wireless telephone having swivel chassis.

Harris et al. (U.S.Pat-6009336) discloses Handheld radiotelephone having a detachable display.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2687

7/5/2005


7/11/05
LESTER G. KINCAID
PRIMARY EXAMINER